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In re Application of
COSTA et al.
Application No.: 10/568,719
PCT No.: PCT/US2004/028438
Int. Filing Date: 01 September 2004
Priority Date: 02 September 2003
Attorney's Docket No.: 25791.137.04
For: THREADED CONNECTIONS FOR
EXPANDABLE TUBES

NOTIFICATION

This notification is in response to applicant's submissions filed 08 November 2006 and 31 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 September 2004, applicant filed international application PCT/US2004/028438, which designated the U.S. and claimed a priority date of 02 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 10 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 March 2006.

On 16 February 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of an unexecuted declaration filed in the international application under PCT Rule 4.17(iv).

On 02 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 November 2006, applicant filed a copy of the last two pages of an executed declaration filed in the international application under PCT Rule 4.17(iv).

On 17 January 2008, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration filed 08 November 2006 was insufficient because the first page of the declaration was missing.

On 31 January 2008, applicant filed a copy of an executed declaration filed in the international application under PCT Rule 4.17(iv) which included the first page.

DISCUSSION

The copy of the declaration under PCT Rule 4.17(iv) filed 31 January 2008 is not sufficient because it does not identify the application to which it is directed. Attention is directed to the instructions in the Request (Form PCT/RO/101) for Box No. VIII(iv) which state that where **"the declaration** was not included in the request, but **is furnished later**, the PCT application number **MUST** be indicated within the text of Box No. VIII(iv)" (emphasis in original). Here, the executed declaration under PCT Rule 4.17(iv) was filed 13 November 2006, well after the Request filed 01 September 2004.

CONCLUSION

Applicants are required to file a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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